

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

THOMAS REYES

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CRIMINAL ACTION NO. 06-654-1

CIVIL ACTION NO. 11-6234

**ORDER**

**AND NOW**, this 8th day of August, 2013, upon consideration of Defendant Thomas Reyes's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Crim. Docket No. 85) and Reyes's Motion for Leave to File an Amended § 2255 Motion (Crim. Docket No. 140), all documents filed in connection therewith, and hearings held on September 14, 2012, October 18, 2012, and April 4, 2013, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. The Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 is **DENIED**.
2. The Motion for Leave to File an Amended § 2255 Motion is **DENIED**.
3. A certificate of appealability is **ISSUED** limited to the following issue: Does the decision of the United States Supreme Court in Alleyne v. United States, 133 S. Ct. 2151 (2013), apply retroactively to cases on collateral review?

BY THE COURT:

/s/ John R. Padova

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John R. Padova, J.